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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/556,143

Applicant(s)GORADIA, GAUTAM
DHARAMDAS**Examiner**

ALVIN L. CARLOS

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office action in response to communications received August 25, 2009. Claims 25, 31-33, 35, 37-38 and 44 have been amended. Claims 25-52 are now pending.

Response to Amendment

2. Applicant's amendments to claims 25, 31-33, 35, 37-38 and 44 are sufficient to overcome the 112 rejection set forth from the previous office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-32, 35-40, 42, 44-45 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441.

Re claim 25, Sonnenfeld discloses an interactive system for building, organizing, and sharing one's own databank of questions and answers in a variety of questioning formats using a computer system (column 1 lines 56-60), comprising a user interface (column 3 lines 43-44), well-classified databases to store data user wise including a user database (column 3 lines 46-48), well classified data input, organizing and management module for the user to personalize organization of the data in the databank based on the user's determined classifications (column 3 lines 46-58 and column 4 lines 14-51), modules for sharing, invoking, storing, evaluating, and improving

one's knowledge using the data from the databank, said data having been selected by a user by "FIND" conditions (column 5 lines 7-8), and a control system acting as a bridge between the user interface and the databases (column 8 lines 46-48).

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the data having been selected by the user by finding the data based on the user selecting from all of the following presented options including searching by none of a plurality of "FIND" conditions, of one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications.

However, Pellegrino teaches the data having been selected by the user by finding the same based on the user selecting from presented options including searching by none of a plurality of "FIND" conditions, of one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

Re claims 26, 28, and 30, Sonnenfeld discloses data input organizing and management module allows the user to classify the data by classifications (column 7 lines 1-47 and column 9 lines 7-44).

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of classifying the data by age group and language.

However, Sonnenfeld discloses building blocks of the database including content portion and set of parameters having plurality of sections (column 2 lines 1-26),

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and substitute any known data classification (e.g. Date, Language, Source of Information, Age Group, Difficulty Level, Subject and Sub subjects) in order to provide an organize database for a computer-based educational system.

Re claim 27, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the modules including a question bank-rapid entry module for allowing the user to build questions and answers rapidly by minimum classifications (column 12 line 56-65).

Re claim 29, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the modules include a comprehension bank module for allowing the user to build and share a databank of passages by well-defined classifications (column 17 lines 12-14), questions and answers based on understanding passages in various questioning formats, the

passages pertaining to its questions and answers are stored along with its questions and answers as part of the user's searchable databank, (column 2 lines 5-11 and column 4 lines 57-59), such that the user acquires an improved comprehension of said passages (column 17 lines 17-24).

Re claim 31, Sonnenfeld discloses the comprehension bank module allows the user to export the questions and answers based on the passages to the data input organizing and management module by finding the questions and answers from the databank (column 14 lines 20-25 and column 28 lines 4-11).

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications.

However, Pellegrino teaches the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the

students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

Re claim 32, Sonnenfeld discloses the modules including a practice session module for allowing the user to invoke and store a practice session for continuous improvement of one's knowledge on any subject, using the data from the databank (column 14 lines 47-67 and column 15 lines 1-12).

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications.

However, Pellegrino teaches the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

Re claim 35, Sonnenfeld discloses the modules including creating a test/quiz module (column 8 lines 46-48), and an instant test/quiz module for allowing the user to create, print tests or quizzes manually or automatically (column 30 lines 55-65), by various classifications (column 2 lines 2-30), and further allowing the user to assign marks to each question, using the data from the databank, by "FIND" conditions (column 8 lines 9-16 and column 39 lines 47-55).

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of classifying the data by venue, name of test or quiz, Categories and Sub- categories.

However, Sonnenfeld discloses building blocks of the database including content portion and set of parameters having plurality of sections (column 2 lines 1-26),

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and substitute any known data classification (e.g. venue, name of test or quiz, Categories and Sub-categories) in order to provide an organize database for a computer-based educational system.

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications.

However, Pellegrino teaches the user selecting from the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

Re claim 36, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the create a test/quiz module enables verifying, using a backtracking utility, questions being selected for the test or quiz, have been used during any user specified earlier period for the person(s) who will face the test or quiz (column 7 lines 48-67 and column 8 lines 1-16), avoiding duplication of questions (column 8 lines 24, 40-41).

Re claim 37, Sonnenfeld discloses the modules including a scheduler module for allowing the user to schedule data by FIND conditions, and said data is brought up on the user's computer system at preset time intervals (column 10 lines 21-23).

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the user selecting from all of the presented

options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications.

However, Pellegrino teaches the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

Re claim 38, Sonnenfeld discloses the modules include an export module for allowing the user to export data from the databank, said data having been selected by the user by "FIND" conditions (column 2 lines 32-40).

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications.

However, Pellegrino teaches the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

Re claim 39, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the modules include an import module for allowing the user to import data built by other users (column 9 lines 20 and 35).

Re claim 40, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the import module further includes a utility for selectively importing the data (column 26 lines 11-27).

Re claim 42, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the data input organizing and management module further includes a utility for copying of existing classification and previously entered data exclusive of its previously associated question, for new

data input by the user (column 26 lines 28-34), for ease of data entry, with a choice of defining the extent of the details to be copied (column 45 lines 63-67 and column 46 lines 1-6).

Re claim 44, Sonnenfeld discloses the modules including a reports module for allowing a user to print reports (column 9 lines 59-65 and column 30 lines 55-65), or graphs about the data in the databank by FIND conditions (column 61 lines 37-40).

Sonnenfeld discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications.

However, Pellegrino teaches the user selecting from all of the presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

Re claim 45, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the "FIND" conditions are defined by classifications including but not limited to Date, Record ID, Language, Source of Information, Age Group, Difficulty Level, Subject, Sub Subjects, Test or Quiz Title, Test or Quiz Venue, Category and Sub Categories as well as by keywords, separators, wildcard characters, file attachments, attachment remarks, associations, association remarks, import remarks, or bookmark remarks including whether or not a record is marked as "Set for Practice" or "Mastered" or either, "Private" or "Public" or either, as well as "Favourite", Practice Session Title, Test or Quiz Title, Test or Quiz Venue, Category and Sub categories.

However, Sonnenfeld discloses building blocks of the database including content portion and set of parameters having plurality of sections (column 2 lines 1-26),

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and substitute any known data classification (e.g. Date, Record ID, Language, Source of Information, Age Group, Difficulty Level, Subject, Sub Subjects, Test or Quiz Title, Test or Quiz Venue, Category and Sub Categories as well as by keywords, separators, wildcard characters, file attachments, attachment remarks, associations, association remarks, import remarks, or bookmark remarks including whether or not a record is marked as "Set for Practice" or "Mastered" or either, "Private" or "Public" or either, as well as "Favourite", Practice Session Title, Test or Quiz Title, Test or Quiz Venue, Category and Sub

categories) in order to provide an organize database for a computer-based educational system.

Re claim 48, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the modules including a tools/help menu options for allowing the user to select an option for customization including system maintenance and updating of database (column 17 lines 25-67 and column 18 lines 1-37).

Re claim 49, Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld discloses the modules including a master module for allowing the user to create and store masters for well-defined classifications (column 17 lines 42-50).

5. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 and further in view of O'Brien 6651071.

Re claim 33, Sonnenfeld further discloses print a test module (column 30 lines 55-65), individual test report module (column 9 lines 56-57), and an overall evaluation report module (column 9 lines 59-65).

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the modules include a self-evaluation test module, invoke and store self-evaluation tests

However, O'Brien teaches the modules including a self-evaluation test module (column 3 lines 4-6), invoke and store self-evaluation tests (column 6 lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and further in view of O'Brien in order to enable a student to quickly identify where further work is required and the types of courses that will meet the deficient ability levels as taught by O'Brien (column 3 lines 21-23).

Re claim 34, Sonnenfeld further discloses a utility for viewing a replay of a self-evaluation test along with the user's actions performed and to obtain reports of such replays (column 62 lines 46-54).

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the modules include a self-evaluation test module, and report self-evaluation tests.

However, O'Brien teaches the modules include a self-evaluation test module (column 3 lines 4-6), and report self-evaluation tests (column 6 lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and further in view of O'Brien in order to enable a student to quickly identify where further work is required and the types of courses that will meet the deficient ability levels as taught by O'Brien (column 3 lines 21-23).

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 and further in view of Blonder 5760771.

Sonnenfeld further discloses the modules including a Global Changes Module for allowing the user to modify records, delete records, remarks, translate records (column 17 lines 42-55), attach image, animation or sound files, or combinations thereof to a record, associate more information to a record in the form of URLs, files, remarks, or mark records as "Set for Practice" or "Mastered", "Public" or "Private", and "Favourite", individually as well as globally (column 13 lines 8-27).

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of bookmark records.

However, Blonder teaches bookmark records (column 5 lines 12-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and further in view of Blonder in order to provide a system and method for providing a structured, organized tour of hypertext files as taught by Blonder (column 2 lines 42-44).

7. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 in view of Blonder 5760771 and further in view of O'Brien 6651071.

Sonnenfeld further discloses prior to taking another self evaluation test the "FIND" conditions allow the user to avoid questions that may have been faced by the user in before a specified number of days or for a specified number of times or based on a score or combination thereof that the user achieved on the questions during a specified period of time (column 8 lines 8-26).

Sonnenfeld in view of Pellegrino in view of Blonder discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the modules including a self-evaluation test module, invoke and store self-evaluation tests.

However, O'Brien teaches the modules including a self-evaluation test module (column 3 lines 4-6), invoke and store self-evaluation tests (column 6 lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino in view of Blonder and further in view of O'Brien in order to enable a student to quickly identify where further work is required and the types of courses that will meet the deficient ability levels as taught by O'Brien (column 3 lines 21-23).

8. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 and further in view of Budra 6726486.

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the modules including a recycle bin module for allowing the user to restore or permanently remove a record individually or plurally from the system.

However, Budra teaches the modules including a recycle bin module for allowing the user to restore or permanently remove a record individually or plurally from the system (column 9 lines 45- 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and further in view of

Budra in order to provide a computing device for training a student to categorize words into a plurality of categories as taught by Budra (column 2 lines 42-44).

9. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 and further in view of Parry 6077085.

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the modules including a translation module for allowing translation of a record from one language into another of user's choice, individually or globally.

However, Parry teaches the modules including a translation module for allowing translation of a record from one language into another of user's choice, individually or globally (column 11 lines 37-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and further in view of Parry in order to provide a learning system that can accommodate students with differing native languages as taught by Parry (column 2 lines 44-46).

10. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 and further in view of Lundberg 5980264.

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the modules including a

screen saver module for allowing the user to display the data in the databank as screen savers.

However, Lundberg teaches the modules including a screen saver module for allowing the user to display the data in the databank as screen savers (column 2 lines 30-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and further in view of Lundberg in order to provide a customizable screen saver program that can display information or questions and answers and score the user's performance as taught by Lundberg (column 1 lines 32- 34).

11. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 in view of Parry 6077085 and further in view of Sweitzer 6018617.

Sonnenfeld in view of Pellegrino in view of Parry discloses all of the claimed subject matter as discussed above. In addition, Parry discloses the use of flash cards (column 13 lines 13-15).

Sonnenfeld in view of Pellegrino in view of Parry discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of a utility that allows the user to print worksheets from the data in the databank.

However, Sweitzer teaches a utility that allows the user to print worksheets from the data in the databank (column 4 lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino in view of Parry and further in view of Sweitzer in order to provide a system for producing tests with the capability of formatting mathematical expressions that be printed and displayed in a uniform manner as taught by Sweitzer (column 2 lines 45-48).

12. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenfeld 6112049 in view of Pellegrino 6149441 and further in view of Naughton 6154209.

Sonnenfeld in view of Pellegrino in view of Parry discloses all of the claimed subject matter as discussed above. In addition, Sonnenfeld further teaches the modules and utilities are adapted to be operated within a browser (column 12 lines 42-47), other viewing or processing programs and to operate on computers (column 12 lines 55-65).

Sonnenfeld in view of Pellegrino discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the utilities are adapted to be operated within hand held devices.

However, Naughton teaches the utilities are adapted to be operated within hand held devices (column 3 lines 65-67 and column 4 lines 1-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld in view of Pellegrino and further in view of Naughton in order to provide an intuitive graphical user interface displayed on a hand-held display device as taught by Naughton (column 3 lines 21-24).

Response to Arguments

13. Applicant's arguments filed August 25, 2009 have been fully considered but they are not persuasive.

14. In response to applicant's arguments that Sonnenfeld in view of Pellegrino does not disclose "the data having been selected by the user by finding the data based on the user selecting from all of the following presented options including searching by none of a plurality of "FIND" conditions, of one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications", the Examiner disagrees. Furthermore, applicants emphasize that the "user" is directed to the test taker not the test designer as described by Sonnenfeld.

Examiner note: It is the examiner's position that the broadest reasonable interpretation of "user" is test designer, lesson builder or any user that modifies, alter or change the question or test presentation based from his goal, preferences or criteria.

Applicant's specification recites:

[0037] Yet another object of the present invention is to allow the user to FIND data rapidly and efficiently by none or one or more FIND condition, wherein the FIND condition to find the Records, from the Database(s) are defined by none or one or more classification like the Date, Record ID, Language, Source of Information, Age Group, Difficulty Level, Subject, Sub Subjects, by the number of times a Record has been used in a Practice Session/Scheduled Session/Self Evaluation Test/Test/Quiz/Insta Test/Quiz, by the performance of the user with respect to a Record faced by the user in a Self Evaluation Test, Practice Session Title, Test/Quiz Title, Test/Quiz Venue, Category and Sub categories as well as by keywords, wild card characters, File Attachments, Attachment Remarks, Association Remarks, Import Remarks, and/or Bookmark Remarks including, but not limited to, whether or not the Record is marked as "Set for Practice" or "Mastered", "Private" or "Public" as well as "Favourite". The user can exercise the option of using the above conditions to bring forth or avoid Records by the specified conditions.

[0049] Yet another object of the present invention is to allow users to create Tests and/or Quizzes, manually or automatically in various interesting Test formats, by various classifications including rounds, by finding the stored Questions and passages, along with the Questions based on the passages, to be used for such Tests and/or Quizzes, based on none or one or more FIND condition assign marks to each Question, and with the further utility of being able to create such Tests and/or Quizzes using a backtracking utility to ensure that the selected Questions are not being duplicated, and further providing the utility of exporting the Questions and Answers used in such Tests and/or Quizzes or of providing the utility of exporting the Test and/or Quiz itself and further to use the Questions and Answers used in the Tests or Quizzes as screen savers.

Sonnenfeld discloses the test designer determine what order to ask questions based on the user's goal, preferences or particular criteria (column 6 lines 36-53). Furthermore, Pellegrino is used to further support the data having been selected by the user by finding the same based on the user selecting from presented options including searching by none of a plurality of "FIND" conditions, of one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said condition include correlation to the user determined classifications (see figures 20-21, column 16 lines 53-67 and column 17 lines 1-7). Pellegrino discloses the teacher utilize a lesson builder to create lesson for presentation to student (column 15 lines 47-67 and column 16 lines 1-7). Students executing a lesson are presented with selected lesson material in a selected order determined by the teacher (column 3 lines 46-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their

own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

15. In response to applicant's arguments with regards to the combination of the references for claims 26-52, the applicant direct the argument based from claim 25 and emphasize that the "user" is directed to the test taker not the test designer as described by Sonnenfeld.

Examiner note: It is the examiner's position that the broadest reasonable interpretation of "user" is test designer, lesson builder or any user that modifies, alter or change the question or test presentation based from his goal, preferences or criteria.

Sonnenfeld discloses the test designer determine what order to ask questions based on the user's goal, preferences or particular criteria (column 6 lines 36-53). Furthermore, Pellegrino discloses the teacher utilize a lesson builder to create lesson for presentation to student (column 15 lines 47-67 and column 16 lines 1-7). Students executing a lesson are presented with selected lesson material in a selected order determined by the teacher (column 3 lines 46-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sonnenfeld's invention in view of Pellegrino in order to provide a computer-based educational system including a lesson builder that allows users to create customized lessons based on individual student's needs and allows the students to proceed at their own pace through lessons tailored to individual needs as taught by Pellegrino (column 1 lines 26-28 and column 3 lines 33-46).

16. Applicant's arguments with regards to the dependent claims 26-52 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. CARLOS whose telephone number is (571)270-3077. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Fri (alternate Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/
Primary Examiner, Art Unit 3715

/Alvin L Carlos/
Examiner, Art Unit 3715
January 9, 2010